

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO:
TRACK 2 SETTLEMENT

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS PLAINTIFFS' STATUS REPORT AND MOTION FOR FINAL *CY PRES*
DISTRIBUTION IN THE TRACK TWO SETTLEMENT**

Class Plaintiffs provide this final update to the Court on the status of the administration of claims filed in the Track Two Settlement by consumer and Third Party Payor ("TPP") claimants. Claims administration and subsequent distributions are complete: \$15,685,548.93 has been distributed to 74,912 consumer claimants and \$19,692,568.98 distributed to 941 TPP claimants. After extensive distribution efforts approximately \$291,212 remains in the consumer settlement fund, before paying additional fees of the Claims Administrator. This money is from consumer claimants that did not cash their original or second checks, despite repeated follow-up.

Accordingly, Class Plaintiffs hereby move for an Order to pay the Administrator's fees of \$115,297.46 and disburse the remaining funds via *cy pres* to The City of Hope, a leading cancer and medical research and treatment facility. If the Court approves this Motion all settlement funds from this litigation will have been distributed.

The Track Two Defendants have no interest in the remaining consumer funds, having waived any interest in the Settlement Agreement. Class Counsel has attempted to confer with counsel for Track Two Defendants concerning this motion. Defendants, Abbott, Amgen,

7/30/18
Allowed
Patti B Saris